

## **REMARKS**

Claims 22-70 are pending in the Application and all stand rejected in the Office action mailed August 17, 2009 which set forth a restriction requirement. Claims 44-70 are elected, claims 22-43 are cancelled without prejudice or disclaimer, claim 69 is amended, and new claims 71-89 are added by this amendment. Applicants hereby explicitly reserved the right to re-file cancelled claims 22-43 in a later-filed continuation or divisional application. Claims 44, 63, and 71 are independent claims from which claims 45-62, 64-70, and 72-89 depend, respectively. Applicants respectfully request reconsideration of the pending claims, and consideration of new claims 71-89, in light of the remarks set forth below.

### **Amendments to the Claims**

Claim 69 has been amended to clarify aspects of claimed subject matter. Applicants respectfully submit that this amendment does not add new matter.

### **Restriction Under 35 U.S.C. §121**

Claims 22-70 were subject to a restriction requirement under 35 U.S.C. §121. The Office states, at page 2, the following:

3. Restriction to one of the following inventions is required under 35 U.S.C. §121:

I. Claims 22-43, drawn to an information transmission device, classified in class 370, subclass 401.

II. Claims 44-63, drawn to a call establishment method, classified in class 370, subclass 352.

4. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP §806.05(e)).

Initially, Applicants respectfully submit that the Application includes claims 22-70, not merely claims 22-63 identified in the restriction, and that the Office has not identified claims 64-70 as being part of either Invention I or Invention II. Applicants respectfully note that the Office has included independent claim 63 in Invention II, and that claims 64-70 depend from claim 63. Therefore, Applicants assume that the Office intended to include claims 64-70 in Invention II. Applicants respectfully request clarification if this assumption is in error.

Applicants hereby elect the claims of Invention II, namely claims 44-70, without traverse, and cancel claims 22-43.

#### **Newly Added Claims**

Applicants have added new claims 71-89 that recite features similar in many ways to claims 44-62. Applicants respectfully submit that new claim 71 is an independent claim from which claims 72-89 depend. Support for new claims 71-89 may be found, for example, at Figs. 56a and 56b, and at pages 271-290 of the Application. Applicants respectfully submit that new claims 71-89 do not add new matter.

**Conclusion**

In general, the Office Action makes various statements regarding the claims of the Application and the cited references that are now moot in light of the above. Thus, Applicants will not address such statements at the present time. However, Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

The Applicants believe that all of the pending claims are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000.

A Notice of Allowability is courteously solicited.

The Commissioner is hereby authorized to charge any fees required by this submission to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

Dated: September 21, 2009

By /Kevin E. Borg/

McAndrews, Held & Malloy, Ltd.  
500 West Madison Street  
34th Floor  
Chicago, Illinois 60661  
(312) 775-8000

Kevin E. Borg  
Reg. No. 51,486